

EXHIBIT A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

MOSES PEREZ and DEE PEREZ,

Plaintiffs,

VS.

K & B TRANSPORTATION, INC., and
KIARA WHARTON,

Defendants.

))))))))))

No.

36171000544
CALENDAR/ROOM X
TIME 00:00
FI Motor Vehicle

[Faint handwritten notes and markings at the bottom of the page, possibly indicating "Page 2" or similar.]

COMPLAINT AT LAW

NOW COME the Plaintiffs, MOSES PEREZ (hereinafter “MOSES”) and DEE PEREZ (hereinafter “DEE”), by and through their attorneys, COGAN & POWER, P.C., and complaining of Defendants, K & B TRANSPORTATION, INC. (hereinafter “K & B”), and KIARA WHARTON (hereinafter “WHARTON”), and state as follows:

COUNT I – NEGLIGENCE – MOSES PEREZ v. K & B TRANSPORTATION, INC.
AND KIARA WHARTON

1. On January 20, 2016, at approximately 5:30 a.m., Plaintiff, MOSES, was driving his 2002 Ford Explorer eastbound on Interstate 294 near milepost 4.75, in the Township of Thornton, County of Cook, State of Illinois.
2. On January 20, 2016, at approximately 5:30 a.m., Defendant, WHARTON, was the driver of a 2013 Mack Truck TRA and was traveling eastbound on Interstate 294, behind the vehicle driven by Plaintiff, MOSES.
3. On January 20, 2016, Interstate 294 was snowy and icy.
4. On January 20, 2016, Plaintiff, MOSES, spun out and came to a stop due to the inclement weather conditions, and was struck from behind by the Mack Truck driven by Defendant, WHARTON.

5. At all times relevant herein, Defendant, WHARTON, was an agent of Defendant, K & B, and was acting within the scope of her agency.

6. At all times relevant herein, Defendant, K&B was a common carrier in the business of transporting goods via agents such as Defendant, WHARTON.

7. At all times relevant, Defendant, WHARTON, owed a duty to exercise reasonable care in the operation and control of her motor vehicle so as to avoid striking motor vehicles, including that driven and operated by Plaintiff, MOSES.

8. Despite aforesaid duty, Defendant, K & B, by and through its agent, Defendant WHARTON, and Defendant, WHARTON, individually, was negligent in one or more of the following respects:

- a. Negligently operated, managed, maintained and controlled her motor vehicle;
- b. Operated her motor vehicle without keeping a proper and sufficient lookout;
- c. Failed to give audible warning with her horn when such warning was reasonably necessary to ensure safety, in violation of 625 ILCS 5/12-601;
- d. Proceeded at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway, or which endangered the safety of persons or property, in violation of 625 ILCS 5/11-601;
- e. Failed to decrease speed so as to avoid colliding with another vehicle in violation of 625 ILCS 5/11-601;
- f. Followed Plaintiff's vehicle more closely than was reasonable and prudent, in violation of 625 ILCS 5/11-710; and
- g. Violated K&B training, policies and procedures regarding operating a vehicle in inclement weather conditions.

9. As a proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant, K & B, by and through its agent, Defendant WHARTON, and Defendant,

WHARTON, individually, Plaintiff, MOSES, sustained serious injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, MOSES PEREZ, demands judgment against Defendants, K & B TRANSPORTATION, INC. and KIARA WHARTON, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

**COUNT II – LOSS OF CONSORTIUM –
DEE PEREZ v. K & B TRANSPORTATION, INC. AND KIARA WHARTON**

1-8. Plaintiff, DEE, repeats and realleges paragraphs one (1) through eight (8) of Count I as though fully set forth as paragraphs one (1) through eight (8) here in Count II.

9. At all times relevant herein and to the present day, DEE PEREZ was and is the lawfully wedded spouse of MOSES PEREZ.

10. As a proximate result of the foregoing wrongful acts and omissions of the Defendants, DEE PEREZ has been deprived of the love, affection, companionship, and services of her husband MOSES.

WHEREFORE, Plaintiff, DEE PEREZ, demands judgment against Defendants, K & B TRANSPORTATION, INC. and KIARA WHARTON, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

**COUNT III – FAMILY MEDICAL EXPENSE ACT (750 ILCS 65/15) –
DEE PEREZ v. K&B TRANSPORTATION, INC. AND KIARA WHARTON**

1-8. Plaintiff, DEE, repeats and realleges paragraphs one (1) through eight (8) of Count I as though fully set forth as paragraphs one (1) through eight (8) here in Count III.

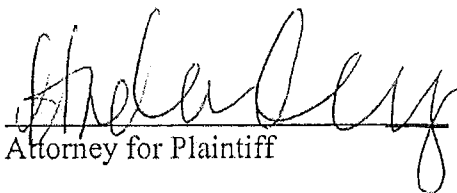
9. This Count is brought on behalf of DEE PEREZ, Individually, as the lawful spouse of MOSES PEREZ, pursuant to the Family Expense Act, 750 ILCS 65/15 for all medical expenses

and other expenses that she, DEE PEREZ, has and will have to continue to incur on behalf of her husband, MOSES PEREZ, and that are recoverable under 750 ILCS 65/15.

WHEREFORE, the plaintiff, DEE PEREZ, demands judgment against Defendants, K & B TRANSPORTATION, INC. and KIARA WHARTON, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

Respectfully submitted;

By:


Attorney for Plaintiff

John M. Power
Hadas M. Corey
Cogan & Power, P.C.
1 E. Wacker Drive – Suite 510
Chicago, IL 60601
312-477-2500
Atty No: 49741
jpower@coganpower.com
hcorey@coganpower.com

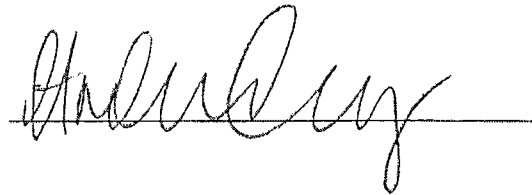
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

MOSES PEREZ and DEE PEREZ,)	
)	
Plaintiffs,)	
)	
vs.	)	No.
)	
K & B TRANSPORTATION, INC., and)	
KIARA WHARTON,)	
)	
Defendants.)	

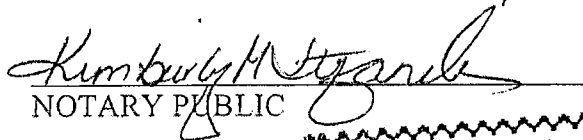
AFFIDAVIT

I, Hadas M. Corey, the affiant on oath, states:

The total of money damages sought in this matter does exceed \$50,000.00.



SUBSCRIBED AND SWORN TO
before me this 13 day of January, 2017.


NOTARY PUBLIC

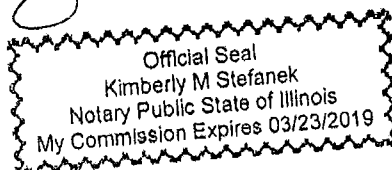


EXHIBIT B

Circuit Court Of Cook County, Illinois
County Department, Law Division

Moses Perez,

Plaintiff,

vs.

K&B Transportation, Inc., and Kiara Wharton,

Defendant.

Case No.: 17 L 000544

AFFIDAVIT OF SERVICE

On Jan. 27, 2017 at 1:44 AM (PM), I served the within Summons and Complaint on K&B Transportation, Inc. c/o Brock Ackerman, .

Said service was effected at 4700 Dakota Avenue, South Sioux City, NE68776 in the following manner:

☐ **Registered Agent:** By leaving a copy of the Summons and Complaint with _____, the registered agent of K&B Transportation, Inc. c/o Brock Ackerman.

☒ **Officer/Agent:** By leaving a copy of the Summons and Complaint with: Brock Ackerman, who is an officer or agent of K&B Transportation, Inc. c/o Brock Ackerman.

☐ **Other:** By leaving a copy of the Summons and Complaint with: _____

Addl Comments: _____

Description of person process was left with:

Sex: M Race: Caucasian Approx. Age: 50 Height: 6'1" Weight: 200

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Affidavit of Service are true and correct.

Further the affiant sayeth naught.

/s/ Jon Hatfield
Jon Hatfield
(Print Name)



627345

2120 - Served	2121 - Served	
2220 - Not Served	2221 - Not Served	
2320 - Served by Mail	2321 - Served by Mail	
2420 - Served by Publication	2421 - Served by Publication	(Rev. 3/21/95)
SUMMONS	ALIAS - SUMMONS	CCG-1

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

Moses Perez,)	
	)	Court No:
Plaintiff,)	
v.	)	PLEASE SERVE
	)	K&B Transportation, Inc.
K&B Transportation, Inc., and	)	c/o Brock Ackerman
Kiara Wharton,	)	4700 Dakota Avenue
	)	South Sioux City, NE 68776
Defendants.)	

17L000544

SUMMONS

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file appearance, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Room 801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. **IF YOU FAIL TO DO SO, A JUDGEMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.**

To the officer:

This summons must be returned by the officer or other person to whom it is given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

There will be a fee of \$228.00 to file your Appearance, or you may present an Application to Sue or Defend as a Poor Person (form #CCG-19). If approved by the Presiding Judge, the fee will be waived.

WITNESS,....., 20.....

.....DOROTHY BROWN.....
Clerk of the Court

COGAN & POWER, P.C.
1 E. Wacker Drive, Suite 510
Chicago, IL 60601
312-477-2500
ATTY No. 49741

Date of Service:....., 20.....
(To be inserted by officer on copy left with Defendant or other person)

**Service by Facsimile Transmission: 312-477-2501

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

EXHIBIT C

Circuit Court Of Cook County, Illinois
County Department, Law Division

Moses Perez,

Plaintiff,

vs.

K&B Transportation, Inc., and Kiara Wharton,
Defendant.

Case No.: 17 L 000544

AFFIDAVIT OF SERVICE

On 2/15/2017 at 8:18 AM / PM I served the within Summons and Complaint on Kiara Wharton, .

Said service was effected at 4625 71st St Apt 265, Lubbock, TX79424 in the following manner:

☒ **Personal Service:** By leaving a copy of the Summons and Complaint with Kiara Wharton personally.

☐ **Substitute Service:** By leaving a copy of the Summons and Complaint at the above address which is Kiara Wharton's usual place of abode, with:

_____, a person of his/her family, or other person residing there, over the age of 13 years who was informed of the contents of the Summons and Complaint.

☐ **Mailing:** On _____, a copy of the Summons and Complaint was mailed in a sealed envelope with postage fully prepaid, addressed to Kiara Wharton at the above address which is his/her usual place of abode.

☐ **Other:**

Add Comments: _____

Description of person process was left with:

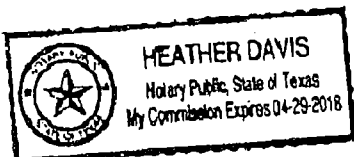
Sex: Female Race: African American Approx. Age: 28 Height: 5'4" Weight: 160 lbs

Signed and sworn to before me on
this 15th day of February, 2017.

X _____
Josh Panger (SCH8287 & Ex: 4/30/2017)
(Print Name)

County Lubbock

Notary Public



629438

2120 - Served	2121 - Served	
2220 - Not Served	2221 - Not Served	
2320 - Served by Mail	2321 - Served by Mail	
2420 - Served by Publication	2421 - Served by Publication	(Rev. 3/21/95)
SUMMONS	ALIAS - SUMMONS	CCG-1

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

Moses Perez,)	
	)	Court No:
Plaintiff,)	
v.	)	PLEASE SERVE
	)	Kiara Wharton
K&B Transportation, Inc., and	)	1855 W. Morris
Kiara Wharton,	)	Indianapolis, IN 46221
	)	DL#: 1930096200 (IN)
Defendants.	)	DOB: 11/6/89

17L000544

SUMMONS

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file appearance, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Room 801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. **IF YOU FAIL TO DO SO, A JUDGEMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.**

To the officer:

This summons must be returned by the officer or other person to whom it is given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

There will be a fee of \$228.00 to file your Appearance, or you may present an Application to Sue or Defend as a Poor Person (form #CCG-19). If approved by the Presiding Judge, the fee will be waived.

WITNESS,....., 20.....

.....DOROTHY BROWN.....

Clerk of the Court

COGAN & POWER, P.C.
1 E. Wacker Drive, Suite 510
Chicago, IL 60601
312-477-2500
ATTY No. 49741

Date of Service:....., 20.....
(To be inserted by officer on copy left with Defendant or other person)

****Service by Facsimile Transmission: 312-477-2501**

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

EXHIBIT D

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

MOSES PEREZ and DEE PEREZ,

Plaintiffs,

v.

K & B TRANSPORTATION, INC. and
KIARA WHARTON,

Defendants.

Case No. 2017-L-000544

NOTICE OF SERVICE

PLEASE TAKE NOTICE that on March 8, 2017, I caused to be sent via U.S. Mail to all parties the following document:

- Defendants K&B Transportation, Inc. and Kiara Wharton's First Request for Admission to Plaintiffs

WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP

By: 

One of the attorneys for Defendants

K&B TRANSPORTATION, INC. and KIARA WHARTON

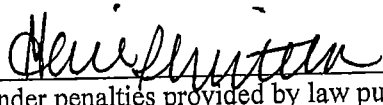
Kathleen McDonough (ARDC # 6229813)
Lamis G. Eli (ARDC # 6308955)
WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP
55 W. Monroe Street, Suite 3800
Chicago, IL 60603
Telephone: 312.704.0550
Fax: 312.704.1522
kathleen.mcdonough@wilsonelser.com
lamis.eli@wilsonelser.com
Firm I.D. 16741

FILED
2017 MAR -8 PM 3:32
DOROTHY BROWN
CLERK OF CIRCUIT COURT
LAW DIVISION

CERTIFICATE OF SERVICE

The undersigned, a non-attorney, hereby certifies that a true and correct copy of the foregoing instrument has been forwarded to Plaintiff's counsel via U.S. Mail on this 8th day of March, 2017.

John M. Power
Hadas M. Corey
COGAN & POWER, P.C.
1 E. Wacker Drive, Suite 510
Chicago, IL 60601


Under penalties provided by law pursuant to IL.
REV. STAT. CHAP 110 SEC 1-109, I certify
that the statements set forth herein are true and
correct.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

MOSES PEREZ and DEE PEREZ,

Plaintiffs,

v.

K & B TRANSPORTATION, INC. and
KIARA WHARTON,

Defendants.

Case No. 2017-L-000544

FILED
2017 MAR -8 PM 3:53
DOROTHY BROWN
CLERK OF CIRCUIT COURT
LAW DIVISION

DEFENDANTS K&B TRANSPORTATION, INC. AND KIARA WHARTON
FIRST REQUEST FOR ADMISSION TO PLAINTIFFS

Pursuant to Illinois Supreme Court Rule 216, Defendants K&B TRANSPORTATION, INC. and KIARA WHARTON, through their attorneys, WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP, and pursuant to Illinois Supreme Court Rule 216, provides as follows:

INSTRUCTIONS

You are instructed that:

(a) Warning: If you fail to serve the response required by Illinois Supreme Court Rule 216 within 28 days after you are served with these requests, all the facts set forth in the requests will be deemed true and all the documents described in the requests will be deemed genuine.


(b) Your answers, signed and properly verified, must be delivered to the undersigned counsel within 28 days after service of the request.

REQUEST FOR ADMISSION

REQUEST NO. 1

Admit that your total alleged damages against Defendants, including but not limited to medical expenses, lost wages for both Plaintiffs, and all other costs, do not exceed \$75,000.00.

WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP

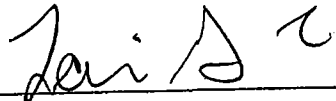
By: 
One of the attorneys for Defendants
K&B TRANSPORTATION, INC. and KIARA WHARTON

Kathleen McDonough (ARDC # 6229813)
Lamis G. Eli (ARDC # 6308955)
WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP
55 W. Monroe Street, Suite 3800
Chicago, IL 60603
Telephone: 312.704.0550
Fax: 312.704.1522
kathleen.mcdonough@wilsonelser.com
lamis.eli@wilsonelser.com
Firm I.D. 16741

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to Plaintiff's counsel via U.S. Mail on this 8 day of March, 2017.

John M. Power
Hadas M. Corey
COGAN & POWER, P.C.
1 E. Wacker Drive, Suite 510
Chicago, IL 60601



Lamis G. Eli

EXHIBIT E

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

MOSES PEREZ and DEE PEREZ,

Plaintiffs,

vs.

K & B TRANSPORTATION, INC. and
KIARA WHARTON,

Defendants.

No. 17 L 000544

NOTICE OF FILING

TO: Kathleen McDonough
Lamis G. Eli
Wilson Elser Moskowitz Edelman & Dicker LLP
55 W. Monroe Street, Suite 3800
Chicago, IL 60603

FILED B-7
2017 MAR 28 PM 2:22
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

YOU ARE HEREBY NOTIFIED that on **March 28, 2017**, there was filed with the Circuit Court of Cook County, Illinois, *Plaintiffs' Response to Defendants' First Request for Admission*, copies of which are attached hereto.

Cogan & Power, P.C.
COGAN & POWER, P.C.
1 E. Wacker Drive - Suite 510
Chicago, IL 60601
312-477-2500

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATION

Under penalties as provided by law, pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies it to be true that he/she served the above and foregoing Notice of Filing by either e-mail or depositing in the U.S. Mail Chute located at 1 E. Wacker Drive, Chicago, Illinois, a true and correct copy thereof in a sealed envelope, first class mail, postage prepaid, addressed to the said person(s) to whom said Notice of Filing is directed on March 28, 2017.

Kimmy Gaud

John M. Power
Hadas M. Corey
COGAN & POWER, P.C.
1 E Wacker Drive, Suite 510
Chicago, Illinois 60601
(312) 477-2500
(312) 477-2501(fax)
Jpower@coganpower.com
hcorey@coganpower.com
FIRM ID: 49741

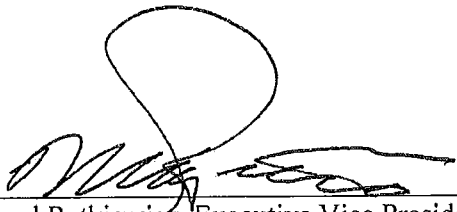
EXHIBIT F

K&B TRANSPORTATION, INC.
AFFIDAVIT OF CITIZENSHIP & CONSENT TO REMOVAL

I, Michael Ratkiewicz, being of legal age, swear under penalty of perjury that the following statements are true and accurate, to the best of my knowledge and belief:

1. I am a citizen and resident of the State of Iowa.
2. I am the Executive Vice President of K&B Transportation, Inc.
3. Defendant K&B Transportation, Inc. is incorporated in the state of Iowa, with its principal place of business in South Sioux City, Nebraska.
4. K&B Transportation, Inc. does not object to the removal of this matter from Cook County, Illinois to the U.S. District Court for the Northern District of Illinois.

Further Affiant Sayeth not.

By: 
Michael Ratkiewicz, Executive Vice President
K&B Transportation, Inc.

SUBSCRIBED and SWORN to before me
On APRIL 4TH, 2017.


NOTARY PUBLIC

